



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 2837

Kimberly Lockett, Primary Examiner

Attorney Docket No.: 2647-004  
In re Patent Application of: Jeffrey T. Babicz  
Serial No.: 10/816,479  
Filing Date: April 1, 2004  
For: String Instrument

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATUS REQUEST**

Dear Examiner Lockett:

Applicant requests the current status of the instant application.

By way of background, the Examiner had indicated allowable subject matter in this application. An interview was held on February 28, 2006 and subsequent thereto an amendment was filed consistent with the interview held on the 28th.

Then somewhere around April 4, 2006, the Examiner indicated that a third party was making a submission, disputing Applicant's inventorship. The indication was that the PTO had received the submission, but the Examiner had not yet had the opportunity to review same. Subsequent attempts by the undersigned to obtain the current status of the application have been unsuccessful.

The delay in learning the status of the third party submission, its relevance to Applicant's application and, as a result, in being able to respond to this third party submission comes at a crucial time for Applicant. Applicant has been in serious discussions with the largest manufacturers of string instruments concerning potential license agreements and any uncertainty and delay in obtaining patent protection is highly prejudicial to Applicant.

Further, Applicant's instrument, as disclosed in this application, is being sold widely, and any purchaser of the instrument could easily reverse engineer and make up a set of drawings and include them in a third party submission.

This is a most unusual situation and, in fact, in nearly forty seven years of practice before the PTO, this is the only time that something like this has occurred in the undersigned's

practice. Accordingly, Applicant urgently requests that the Examiner advise Applicant of the status, act on the third party submission with all due dispatch, provide Applicant with a copy of the submission, and provide Applicant with the necessary time to respond to the submission, if necessary.

Respectfully submitted,

Jeffrey T. Babicz

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Date of Deposit May 26, 2006

I hereby certify that the above status request is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Joseph L. Spiegel